

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RICHARD LUCERO,  
On behalf of himself and  
All others similarly situated,**

**Plaintiff,**

**vs.**

**Case No.**

**BUREAU OF COLLECTION RECOVERY, INC.**

**Defendant,**

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**DEFENDANT’S NOTICE OF REMOVAL**

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COMES NOW the Defendant, Bureau of Collection Recovery, Inc., (the “Defendant” or “BCR”) by and through its counsel, Modrall, Sperling, Roehl, Harris & Sisk, P.A., and for its Notice of Removal, states as follows:

1. Plaintiff commenced this action in the Second Judicial District Court of Bernalillo County, State of New Mexico, Case No.: CV 2009 05059.
2. On or about May 7, 2009, BCR was served with a Summons and a copy of Plaintiff’s Complaint.
3. Plaintiff’s Complaint purports to set forth a cause of action under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, *et. seq.*, in addition to a state law claim.
4. This Court has original jurisdiction over Plaintiff’s cause of action based upon 15 U.S.C. § 1692, *et. seq.*, as set forth in 28 U.S.C. § 1331, 15 U.S.C. § 1692k(d). Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in the pending in the Second Judicial District Court of Bernalillo, State of New Mexico, is removable to this Court.

5. Along with BCR's Notice of Removal, Defendant is contemporaneously filing its Answer and Affirmative Defenses to Plaintiff's Complaint with the Clerk of the United States District Court for the District of New Mexico.

6 This notice is timely filed within the thirty-day period prescribed by 28 U.S.C. § 1446(b).

7 Pursuant to 28 U.S.C. § 1446(a), copies of the pleadings in this case are attached hereto.

8 Pursuant to 28 U.S.C. § 1446(d), BCR has provided written notice of the filing of Defendant's Notice of removal to Plaintiff via U.S. Mail on this date, and has also forwarded a Notice of Filing of Notice of Removal for filing with the Clerk of the Second Judicial District Court, State of New Mexico, Case No. CV 2009 05059.

9. BCR hereby tenders the following state court pleading index of the pleadings attached hereto:

<u>Document Name</u>	<u>File Name</u>
Summons	Summons.pdf
Complaint	Complaint.pdf

WHEREFORE, Defendant respectfully prays that Case No. CV 2009 05059 now pending in the Second Judicial District Court of Bernalillo County, State of New Mexico, be removed and placed in the regular docket of the United States District Court for the District of New Mexico.

Dated: June 1, 2009.

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: /s/ Jennifer G. Anderson

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail address:

Alfred M. Sanchez, Esq.  
301 Gold Ave., SW, Ste. 202  
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**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: /s/ Jennifer G. Anderson

Jennifer G. Anderson

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